

U.S. Patent Application Serial No. 10/566,273

Response filed September 8, 2010

Reply to OA dated June 8, 2010

REMARKS

Claims 4 and 15 are currently pending in the subject application. Claims 4 and 15 have been amended herein in order to more particularly point out and distinctly claim subject matter. The Applicants respectfully submit that no new matter has been added. It is believed that this paper is fully responsive to the Office Action dated June 8, 2010.

1. Applicants' Statement of the Substance of the Interview, Pursuant to 37 C.F.R. § 1.133

In view of 37 C.F.R. § 1.133, Applicants hereby submit the statement of the substance of the interview.

Applicants and Applicants' attorney thank Examiner Philip Earl Stimpert and the Supervisor for the interview courteously granted on September 2, 2010. The special attention the Examiner and the Supervisor paid to the instant application is noted with appreciation. Items discussed during the interview include: the rejections of claims 4 and 15 as set forth in the Office Action dated June 8, 2010; possible amendments to claims 4 and 15; U.S. Patent No. 5,554,015 (**Dreiman**); U.S. Patent No. 5,937,817 (**Schanz**); U.S. Patent No. 5,582,271 (**Mielo**); and JP 2002-239311 (**Inoue**).

During the interview, the Examiner and the Supervisor stated that **Inoue** was non-analogous art, and also agreed that the rejection of claim 15 was improper. During the interview, the Examiner

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and the Supervisor agreed to withdraw the rejection of claim 15 when a response is filed in reply to the Office Action dated June 8, 2010. During the interview, the Examiner and the Supervisor agreed that all amendments will be entered when a response is filed in reply to the Office Action dated June 8, 2010, because the final rejection of claim 15 was improper and must be withdrawn.

During the interview, the Examiner and the Supervisor stated that a Request for Continued Examination (RCE) is not required to have amendments entered at this time, in view of the improper rejection of claim 15. The Examiner and the Supervisor stated that the next Office Action will be a final Office Action. The Examiner and the Supervisor indicated that, if claim 4 were to be amended to include language similar to “wave-suppressing member extended toward said compressor mechanism and extended toward said container thereby covering a substantial part of the interface area,” this would probably cause claim 4 to set forth allowable subject matter.

During the interview, the Examiner and the Supervisor stated that they will try to find an art reference in an analogous art that utilizes a mesh member, and then might issue a new final rejection of claim 15. The Examiner and the Supervisor indicated that, if claim 15 were to be amended to include language similar to “wave-suppressing member extended toward said compressor mechanism and extended toward said container thereby covering a substantial part of the interface area,” this would probably cause claim 15 to set forth allowable subject matter.

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2. Claim 4 is objected to because of informalities.

Claim 4 has been amended herein in a manner intended to overcome this objection.

Accordingly, in view of the above, Applicants respectfully request that this objection to claim 4 be withdrawn.

3. Claims 4 and 15 are rejected under the second paragraph of 35 U.S.C. §112 as being indefinite.

Claims 4 and 15 have been amended herein in a manner intended to overcome this rejection.

Accordingly, in view of the above, Applicants respectfully request that this rejection of claims 4 and 15 be withdrawn.

4. Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,554,015 (Dreiman) in view of U.S. Patent No. 5,937,817 (Schanz) and U.S. Patent No. 5,582,271 (Mielo).

Applicants respectfully traverse this rejection, for the following reasons.

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Dreiman, Schanz, and Mielo, alone or in combination, fail to describe, teach, or suggest the combination of features as set forth in claim 4, as amended, including at least the following features: “a wave-suppressing member, provided to be floated in an interface between the working fluid and the stored refrigeration oil, and extended toward said compressor mechanism and extended toward said container, said wave-suppressing member comprising a divided member consisting of a plurality of plates which are partly immersed in the stored refrigeration oil and extend astride the interface to form a lattice which covers a substantial part of the interface area such that the interface area is divided into a plurality of pieces thereby reducing the rippling of the interface caused by the turning flow directly contacted with the interface.”

Accordingly, in view of the above, Applicants respectfully request that this rejection of claim 4 be withdrawn.

5. Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Dreiman, Schanz, Mielo, and further in view of JP 2002-239311 (Inoue).

Applicants respectfully traverse this rejection, for the following reasons.

The Examiner acknowledged that **Dreiman, Schanz, and Mielo** fail to teach a mesh member (Office Action dated June 8, 2010, page 5, paragraph 9).

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The Examiner has attempted to remedy the above-described deficiencies by relying on **Inoue**.

The Examiner has attempted to rely on **Inoue** to teach a mesh member (Office Action dated June 8, 2010, page 5, paragraph 9).

However, **Inoue** is non-analogous art. **Inoue** is directed to a manufacturing process of metal paste (paragraph [0001]). **Inoue** relates to a screen used on a highly viscous material (metal paste) in order to make particle diameter uniform and remove impurities (paragraphs [0001]-[0002]).

Inoue discloses a screen 4 having meshes (paragraph [0009]). In **Inoue**, a blade 21 pushes metal paste against the screen 4 (paragraphs [0001], [0002], and [0011]).

A person of ordinary skill in the art would not look to **Inoue** and utilize the screen 4 and meshes of **Inoue**, which has a metal paste pushed against it using a blade 21, in combination with **Dreiman, Schanz, and Mielo**, to attempt to arrive at a wave-suppressing member as set forth in claim 15 of the subject application.

Accordingly, Applicants respectfully submit that this rejection of claim 15 is improper and should be withdrawn.

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Dreiman, Schanz, Mielo, and Inoue, alone or in combination, fail to describe, teach, or suggest the combination of features as set forth in claim 15, as amended, including at least the following features: “a floating type wave-suppressing member, floated in an interface between the working fluid and the refrigeration oil of said reservoir, for reducing the area of said interface which comes into direct contact with a turning flow of the working fluid generated by the rotation of the rotor; wherein said wave-suppressing member comprises a divided member which extends toward said compressor mechanism and extends toward said container to divide said interface into a plurality of pieces, wherein said divided member comprises a mesh member and portions of said mesh member are always immersed in the refrigeration oil of said reservoir.”

In view of the above, Applicants respectfully request that this rejection of claim 15 be withdrawn.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants’ undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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